

# CHAPTER 1: INTRODUCTION

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# CHAPTER 1: INTRODUCTION

This draft subsequent environmental impact report (SEIR) has been prepared by Imperial County (County), the lead agency under the California Environmental Quality Act (CEQA) (Public Resources Code [PRC], Section 21000 et seq.; California Code of Regulations [CCR] Title 14 Section 15000 et seq. [CEQA Guidelines]) pursuant to 14 CCR section 15162, to evaluate the potentially significant environmental effects associated with United States Gypsum Company's ("USG" or "the applicant") request for a Condition Use Permit (CUP) to develop Well No. 3 and an associated pipeline to support mining operations at the Plaster City Quarry (Quarry). In addition, this SEIR evaluates mining operations at the Quarry under the 2008 Quarry Expansion and restoration and preservation of two off-site properties (Viking Ranch restoration site and Old Kane Springs Road preservation site). Together these components make up the proposed project. A detailed description of the proposed project can be found in Chapter 2, "Project Description."

Under CEQA, the County must identify and consider the potentially significant environmental effects of the actions proposed before making a final decision to approve the proposed project. This SEIR will be used in the planning and decision-making process by the lead agency (the County) and other responsible and trustee agencies.

This introductory chapter provides a background and summary of the proposed project; an overview of the environmental review process required under CEQA; agency roles and responsibilities; and the organization used in this SEIR.

## 1.1 PURPOSE OF A SUBSEQUENT ENVIRONMENTAL IMPACT REPORT

An EIR is an informational document that informs public agency decision makers and the public of significant environmental effects that could occur as a result of implementing a proposed project. EIRs also provide mitigation measures to reduce those environmental effects and an evaluation of alternatives to the proposed project. Development of Well No. 3 and an associated pipeline, expansion of the existing Quarry, replacement of an existing 8-inch diameter water pipeline from USG's wells in Ocotillo to the Plaster City Plant (Plant), installation of an approximately 14.4-megawatt (MW) cogeneration unit for the Plant operation, and construction of an off-specification material recycling system were part of the United States Gypsum Company Expansion/Modernization Project (USG Expansion/Modernization Project) that was evaluated in a 2006 Draft Environmental Impact Report/Environmental Impact Statement (2006 Draft EIR/EIS) and a 2008 Final EIR/EIS. Together, the two documents are referred to in this SEIR as the "2008 EIR/EIS" (Imperial County 2008). The 2008 EIR/EIS was certified by the Imperial County Board of Supervisors (Board) in 2008 (SCH No. 200121133). As such, the potential environmental impacts of Quarry expansion and reclamation and Quarry Well No. 3 development were previously evaluated in the 2008 EIR/EIS.

In addition to the 2008 EIR/EIS, analysis of the USG Expansion/Modernization Project was completed under the National Environmental Policy Act (NEPA) as part of the process of obtaining the federal approvals required for the Quarry expansion. The NEPA process resulted in the completion of a Draft Supplemental EIR (SEIS) in June 2019 and a Final SEIS in November 2019 for the USG Expansion/Modernization Project. The 2019 Final SEIS included mitigation to offset the impacts to 139 acres of waters of the United States at the Quarry by restoring, enhancing, and preserving aquatic resources at a property where aquatic functions are similar to the impacted functions. In response, USG proposes to mitigate impacts at a 1.92:1 mitigation-

top-impact ratio, for a total of 267.3 acres of rehabilitation, enhancement, and preservation of aquatic resources. The proposed compensatory mitigation consists of the restoration and enhancement of an approximately 207-acre area at the Viking Ranch restoration site and the preservation of approximately 121 acres at the Old Kane Springs Road preservation site.

The County has determined that it will prepare an SEIR for the proposed project, as provided for in CEQA Guidelines Section 15162, which states:

- (a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
  - (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
  - (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or;
  - (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the ND was adopted, shows any of the following:
    - (A) The project will have one or more significant effects not discussed in the previous EIR or ND;
    - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.
- (b) If changes to a project or its circumstances occur, or new information becomes available after adoption of a ND, the lead agency shall prepare a subsequent EIR if required under [14 CCR Section 15162(a)]. Otherwise, the lead agency shall determine whether to prepare a subsequent negative declaration or an addendum, or no further documentation.
- (c) A subsequent EIR or subsequent ND shall be given the same notice and public review as required under CEQA Guidelines Section 15072 or Section 15087. A subsequent EIR or ND shall state where the previous documents are available and may be reviewed.

In addition, California Public Resources Code section 21166 provides:

When an [EIR] has been prepared for a project..., no subsequent or supplemental [EIR] shall be required by the lead agency...unless one or more of the following events occurs:

- (a) Substantial changes are proposed in the project which will require major revisions of the [EIR].
- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the [EIR].
- (c) New information, which was not known and could not have been known at the time the [EIR] was certified as complete, becomes available.

The County has determined that factors exist that warrant preparation of an SEIR in this case, including project changes and changes in the project's circumstances. An SEIR is not intended to recommend either approval or denial of a project. Rather, an SEIR is a document whose primary purpose is to disclose all new potential environmental impacts associated with a revised action or "project."

The SEIR process and the information it generates is used for purposes that include:

- informing governmental decision makers, agencies, and the public about potential, significant environmental effects of proposed activities;
- identifying ways that environmental damage can be avoided or significantly reduced; and
- preventing significant, avoidable damage to the environment by requiring changes to the project by using alternatives or mitigation measures if the governmental agency finds the changes to be feasible.

The purpose of this SEIR is to provide an opportunity for agency representatives and the public to review and comment on the adequacy of the SEIR before it is prepared as a final document and certified. This SEIR has been prepared by the County, acting in its capacity as lead agency, pursuant to CEQA and the CEQA Guidelines. The County has independently reviewed and analyzed this SEIR in accordance with PRC Section 21082.1(c)(1).

The mitigation measures from the 2008 EIR/EIS and the 2019 SEIS have been carried forward from the original certified environmental documents for the proposed project. In addition, new mitigation measures have been recommended to address new significant impacts. Mitigation measures to be imposed, if the project is approved, will be included in a Mitigation Monitoring and Report Program (MMRP) that documents the mitigation measures, specifies the parties responsible for implementing and funding each measure, and identifies the agency or other party responsible for monitoring, verifying, and documenting that measures have been or are being implemented. These measures may also be included in the conditions of project approval.

## 1.2 SUMMARY OF THE PROPOSED PROJECT

The proposed project consists of approval of a Conditional Use Permit from the County of Imperial (County) for the development of a new production well, Well No. 3, and an associated pipeline to provide water to the United States Gypsum (USG) Plaster City Quarry (Quarry). Together, these three project components are referred to as the "project area."

Additional land use entitlements from the County are not needed for mining and reclamation activities under the Quarry expansion. However, because Well No. 3 and the associated pipeline would provide water to support Quarry operations, this SEIR evaluates potential environmental impacts associated with mining and

reclamation activities under the Quarry expansion, for full disclosure and to provide the appropriate CEQA compliance analysis and mitigation for responsible and trustee agencies.

This SEIR also evaluates potential environmental impacts associated with the Viking Ranch restoration and Old Kane Springs Road preservation actions, as proposed in the Habitat Mitigation and Monitoring Plan (Appendix D-4). As described under the “Previous EIR/EIS” section below, USG identified the approximately 207-acre Viking Ranch site for restoration and the 121-acre Old Kane Spring Road site for preservation to provide compensatory mitigation for the impacts to 139 acres of water of the United States at the Quarry. Although the Viking Ranch restoration and Old Kane Spring Road preservation will not require entitlements from Imperial County, this EIR evaluates the environmental impacts of these actions for full disclosure and to provide the appropriate CEQA compliance analysis and mitigation for responsible and trustee agencies, including San Diego County which will issue a Major Grading Permit.

### **1.3 ENVIRONMENTAL REVIEW PROCESS**

#### **1.3.1 Scope of this Environmental Impact Report**

The County prepared an initial study that included a preliminary evaluation of the potential scope of the SEIR (see Appendix A-1, “Initial Study”). The County then circulated a notice of preparation (NOP) that indicated those topic areas that would require evaluation in the SEIR (see Appendix A-2, “NOC/NOP”). Also included in Appendix A is Appendix A-3, which includes written comments received from the NOP and scoping meeting). The NOP was published on July 18, 2022, and the public comment period for commenting on the scope of the SEIR lasted through August 22, 2022. The NOP was sent to property owners within 1,000 feet of the project areas, trustee agencies, interested organizations and individuals, and the State Clearinghouse.

A public scoping session was held on August 11, 2022, at the Imperial County Planning and Development Services Department offices and virtually via the Zoom platform. Three public agency comments were received by the County during the scoping period. These comments were accounted for during preparation of the SEIR and are included as Appendix A-3.

The initial study determined that the following environmental factors would be potentially affected by the proposed project and are, therefore, addressed in this SEIR:

- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hydrology and Water Quality
- Land Use and Planning
- Tribal Cultural Resources
- Mandatory Findings of Significance

The initial study also determined that the project would not result in significant adverse impacts associated with the following resource topics and eliminated these issues from further consideration in the SEIR:

- Aesthetics
- Agricultural and Forestry Resources
- Energy
- Population and Housing
- Public Services
- Recreation

- Hazards and Hazardous Materials
- Mineral Resources
- Noise
- Transportation
- Utilities and Services Systems
- Wildfire

### 1.3.2 Public Review

This SEIR is available for public review and comment during the 45-day period identified on the notice of availability/notice of completion (NOA/NOC) of an SEIR accompanying this document. This SEIR and all supporting technical documents and reference documents are available for public review at the Imperial County Planning and Development Services Department located at 801 Main Street in El Centro, California 92243 and on the Imperial County website at:

<http://icpds.com/planning/environmental-impact-reports/draft-eirs/>

During the 45-day public comment period, written comments on the SEIR may be submitted to the Planning and Development Services Department at the following address:

Attn.: Ms. Diana Robinson, Planning Division Manager  
Imperial County Planning and Development Services Department  
801 Main Street  
El Centro, California 92243

Written comments on the SEIR may alternately be submitted via e-mail with the subject line “USG Plaster City Quarry Expansion and Well No. 3 Project SEIR” to [DianaRobinson@co.imperial.ca.us](mailto:DianaRobinson@co.imperial.ca.us).

Oral comments on the SEIR are welcome and may be stated at a public meeting, which shall be held as indicated on the NOA/NOC.

Following the public review and comment period, the County will respond to all written and oral comments received on the environmental analysis in this SEIR. The responses and any other revisions to the SEIR will be prepared as a response-to-comments document. The SEIR and its appendices, together with the response-to-comments document, will constitute the final SEIR for the proposed project.

### 1.3.3 Use of the SEIR

Pursuant to CEQA, this is a public information document for use by governmental agencies and the public. The information contained in this SEIR is subject to review and consideration by the County (as the lead agency) and any other responsible agencies before the County decides to approve, reject, or modify the proposed project.

The Imperial County Planning Commission must ultimately certify that it has reviewed and considered the information in the SEIR and that the SEIR has been completed in conformity with the requirements of CEQA before making any decision on the proposed project. Certification of the SEIR does not constitute approval of the project.

## 1.4 DISCRETIONARY ACTIONS

It is anticipated that this SEIR will provide environmental review for all discretionary approvals and actions necessary for this project. A number of permits and approvals would be required before the proposed project could be implemented, although quarrying operations pursuant to existing entitlements are anticipated to continue throughout the environmental review process.

As lead agency for the proposed project, the County is primarily responsible for the approvals required. The primary approval being sought is a Conditional Use Permit (CUP) to allow for development of Well No. 3 and an associated pipeline. As part of any approval action for the project, the County would be required to certify the final EIR, adopt findings of fact and overriding considerations (if necessary), and adopt a mitigation monitoring and reporting program. In Imperial County, the County Planning Commission is the approval authority for surface mining permits and reclamation plans, which action is appealable to the County Board of Supervisors.

## 1.5 RESPONSIBLE AND TRUSTEE AGENCIES

Projects or actions undertaken by the lead agency (i.e., the County) may require subsequent oversight, approvals, or permits from other public agencies to be implemented. Other such agencies are referred to as “responsible agencies” and “trustee agencies.” Pursuant to Sections 15381 and 15386 of the CEQA Guidelines, as amended, responsible agencies and trustee agencies are defined as follows:

- A “responsible agency” is a public agency that proposes to carry out or approve a project, for which a lead agency is preparing or has prepared an EIR or negative declaration. For the purposes of CEQA, the term “responsible agency” includes all public agencies other than the lead agency that have discretionary approval power over the project (Section 15381).
- A “trustee agency” is a state agency having jurisdiction by law over natural resources affected by a project that are held in trust for the people of the State of California (Section 15386).

A number of agencies may have a particular interest in the project. These agencies include those listed below:

### ***Federal Agencies***

- United States Corps of Engineers (404 Permit)

### ***State Agencies***

- California Department of Fish and Wildlife (Lake and Streambed Alteration Agreement)
- Colorado River Regional Water Quality Control Board (401 Certification)

### ***Regional and Local Agencies***

- County of San Diego (Major Grading Permit)
- Colorado River Regional Water Quality Control Board (Construction General Permit Notice of Intent [NOI], Industrial General Permit NOI, Waste Discharge Requirements)



The following public agency approvals have already been obtained:

- U.S. Bureau of Land Management (Right-of-Way Grants [Case file numbers CACA-056908 and CACA-044014], 2003 Plan of Operations Revised April 2018)
- U.S. Fish and Wildlife Service (Biological Opinion FWS-ERIV-11B0345-19F1352)

## 1.6 REPORT ORGANIZATION

This SEIR is organized into the following chapters and sections:

### ***Executive Summary***

This chapter provides a summary of the project and a summary of new significant environmental impacts not covered in the original EIR that would result from implementation of the proposed project, and describes new conditions of approval and mitigation measures, also not covered in the original EIR, recommended to avoid or reduce significant impacts.

### ***Chapter 1, “Introduction”***

This chapter discusses the overall SEIR purpose; provides a summary of the proposed project; describes the SEIR scope; and summarizes the organization of the SEIR.

### ***Chapter 2, “Project Description”***

This chapter provides a description of the project’s objectives, the project site and context, and a detailed description of the proposed project and its required local (County) approval process.

### ***Chapter 3, “Terminology, Approach, and Assumptions”***

This chapter describes key terminology, approaches, and assumptions used in the SEIR analysis, including definitions of existing conditions versus baseline conditions, descriptions of the increment of net new changes at the site attributable to the project, and assumptions regarding other cumulative development and approaches used to define cumulative scenarios.

### ***Chapter 4, “Environmental Analysis”***

This chapter provides the environmental setting, impacts, and required mitigation measures for the project organized by issue area corresponding to topics in the CEQA Environmental Checklist (CEQA Guidelines Appendix G, as amended). Sections 4.1 through 4.8 address the environmental topics of this SEIR: aesthetics, air quality, biological resources, climate change and greenhouse gas emissions, geology and soils, hydrology and water quality, land use and planning, and noise, respectively.

Each resource section follows the same format and includes the following primary subsections:

- The “**Environmental Setting**” subsections provide an overview of the existing physical environmental conditions at the time this analysis was prepared, which establishes a baseline used during analysis of potential impacts created by the project. When relevant to the analysis, the “Environmental Setting” subsection also provides predicted future environmental conditions under circumstances without the project to provide a benchmark for the impact analysis of future conditions with the project.

- The “**Regulatory Setting**” subsections identify the plans, policies, laws, regulations, and ordinances that are relevant to each resource subject. This subsection describes required permits and other approvals necessary to implement the project.
- The “**Impact Analysis Methodology**” subsections provide criteria that define when an impact would be considered significant. Criteria are based on CEQA Guidelines, scientific and factual data, views of the public in affected area(s), the policy/regulatory environment of affected jurisdictions, or other factors.
- The “**Impacts and Mitigation Measures**” subsections provide an assessment of the potential impacts of the project and specify why impacts are found to be either significant and unavoidable, significant, or potentially significant but mitigable, less than significant, or why no environmental impact would result. Feasible mitigation measures to avoid or reduce the severity of identified impacts follow the impact discussions. Where feasible mitigation cannot reduce impacts to a less-than-significant level, the impacts are identified as significant and unavoidable. The analysis of cumulative impacts is provided in Chapter 5, “Cumulative Impacts.”

### ***Chapter 5, “Cumulative Impacts”***

This section provides an evaluation of the cumulative impacts, which is based on the past, present, and reasonably foreseeable conditions, together with the effects of the project.

### ***Chapter 6, “Alternatives”***

This section provides a comparative evaluation of alternatives to the proposed project. The alternatives include:

- No Project—Reclamation of Existing Conditions Alternative,
- Prohibited Nighttime Reclamation Alternative,
- Revised ADV Construction Phasing Alternative, and
- Reduced Capacity of Lake A Diversion Structure Alternative.

### ***Chapter 7, “Other CEQA Topics”***

This section provides the required analysis of growth-inducing impacts; significant irreversible changes; effects found not to be significant; and significant unavoidable impacts.

### ***Chapter 8, “List of Preparers”***

This section identifies the preparers of the SEIR and the persons and organizations contacted.

### ***Chapter 9, “References and Resources”***

This section identifies the references and resources cited within the text of this SEIR.

### ***Chapter 10, “Acronyms”***

This section provides an alphabetical list of the acronyms and initialisms used throughout the SEIR.

### ***Appendices***

The appendices contain the initial study, the NOC and NOP, written comments submitted on the NOP, and technical studies and reports used to prepare the SEIR.

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